



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

MAY 07 2018

UNITED PARCEL SERVICE

Mr. Jeff Welsh
President/CEO
Alligare, LLC
13 North 8 Street
Opelika, Alabama 36801

Re: Alligare, LLC
Notice of Warning for Unapproved Language on Promotional Flyer
Case File No. FIFRA-04-2018-8503

Dear Mr. Welsh:

The U.S. Environmental Protection Agency has obtained evidence indicating that Alligare, LLC appears to be in violation of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). The EPA recently reviewed the website for Alligare, LLC and determined that Alligare is allegedly making advertising claims that differ from the EPA-approved label language for the product Argos Algaecide and Herbicide (EPA Reg. No. 81927-53).

The language on the EPA-approved label states (under Aquatic Use), "*Wait at least 10 to 14 days between treatments.*" The language on the website states, "*Allow 1 to 2 weeks between consecutive treatments.*" Advertising and collateral literature or verbal claims for the product must not substantially differ from any claims made on the label or labeling. It is a violation of Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B), for any person in any State to distribute or sell to any person any registered pesticide if any claims made for it as a part of its distribution or sale substantially differ from any claims made for it as a part of the statement required in connection with its registration under Section 3 of FIFRA.

In response to the apparent violation of FIFRA at this facility, the EPA is issuing this Notice of Warning (NOW) to Alligare, LLC, pursuant to FIFRA Section 9(c)(3), 7 U.S.C. § 136g(c)(3). The EPA has determined at this time that a Notice of Warning is the appropriate enforcement response for the company's apparent violation of FIFRA, provided that within 30 days of the receipt of this NOW, an authorized official of this company [you] submit[s] a signed statement indicating that compliance with FIFRA has been achieved and identifying the actions taken to achieve compliance with the requirements set forth above. If this statement is not submitted and/or compliance is not achieved, the EPA may initiate a more formal enforcement action which could include the assessment of a civil penalty. Your statement should be submitted to:

Patricia Livingston
U.S. EPA Region 4
61 Forsyth Street, SW
Atlanta, Georgia, 30303.

Internet Address (URL) • <http://www.epa.gov>

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Since your company may be classified as a small business, you may want to review the Information Sheet "U.S. EPA Small Business Resources," which can be found on the internet at: www.epa.gov/compliance/resources/publications/incentives/smallbusiness/smallbusresources.pdf. This document will provide you with information regarding compliance and rights you may be entitled to under the Small Business Regulatory Enforcement Fairness Act.

If you have any questions about this letter, and/or would like to discuss the above-stated findings by the EPA, or would like a copy of the Information Sheet, please contact Patricia Livingston of the EPA Region 4 staff at (404) 562-9171.

Sincerely,



Anthony G. Toney
Chief

Chemical Safety & Enforcement Branch

cc: Tony Cofer, ADAI